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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—PRIVILEGE MOTION *RE* BOYCOTT OF GOVERNOR'S ADDRESS BY THE MEMBERS OF THE D.M.K. PARTY IN THE LEGISLATURE.

MR. SPEAKER : A few days ago the hon. Member, Sri Lazar, raised a point of privilege.

SRI M. KALYANASUNDARAM : Sir, I rise on a point of order. Before we take up the Privilege Motion as such, I wish to bring to your notice some points regarding the admissibility of this Motion. For a privilege motion to be admitted, it should be a subject matter of recent occurrence. Item (i) of rule 187 of the Assembly Rules says—

‘The alleged breach of privilege must refer to a matter of recent occurrence.’

The alleged breach of privilege as described in the Motion is about the boycott of certain group of hon. Members of this House during the Governor's Address. This is not a recent occurrence. After this House came into existence, if I remember aright, there were three occasions when the Governor was pleased to address the joint session of both the Houses of the Legislature. Even on the first occasion, if I remember aright, there was a boycott of the Governor's Address by the hon. Members Sri Chinnadurai and Sri Pakkiriswami Pillai and the Communist Party but the Dravida Munnetra Kabhagam participated. Then there was another occasion when the D.M.K. boycotted it. Then again on the third occasion they boycotted it. So the boycott of the Governor's Address has not been of recent occurrence (interruption). On the first occasion in 1957—I think it was on 1st May—they attended it whereas the hon. Members of the Communist Party, Praja Socialist Party and the Socialist Party boycotted it. Then also it was a deliberate boycott. They announced their intention and then boycotted. This is not the first occasion but earlier also they have boycotted it. So, I hold that this matter is not of recent occurrence and cannot come under the purview of a Privilege Motion.

MR. SPEAKER : Now this is covered by Rule 185 which says—

‘If the Speaker is of opinion that the matter which the member proposes to raise does involve a question of privilege of the House, he may consent to the matter being raised.’

It would have been satisfied if this absence was not in this session but in the previous session but this absence took place in this session. This absence has been explained by the hon. the Leader of the House and others in this House. Because it is a repetition it does not mean that it loses its practical value and therefore I say that it is of recent occurrence. Also the fact that nobody raised this matter on a previous occasion does not remove the urgency or importance of this matter. If nobody raised it or involved the Communist Party, they are only lucky and I have nothing to add. So, I think that it is perfectly in order that the matter is of recent occurrence.

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But with regard to the second point, whether a *prima facie* case has been made out, as it is a matter involving the rights and privileges of individuals and groups of parties in this House, I am going to ask the Hon. the Leader of the House; the hon. the Leader of the Opposition, the Leader of the Party involved in the matter and one or two other party leaders if necessary, to enlighten me. Then I will give my decision.

THE HON. SRI C. SUBRAMANIAM: Sir, it is not as if the hon. Member, Sri Kalyanasundaram is unaware of that. He only wants us to emphasize the point, that this is a matter of recent occurrence and we should consider it.

Sir, the matter which has now been raised is a very interesting one and if I may say so, a complicated one also. I would have liked to address the House in Tamil—as a matter of fact I shall also feel confident if I express myself in Tamil . . .

MR. SPEAKER: The Hon. Leader of the House can do so and I have no objection.

THE HON. SRI C. SUBRAMANIAM: But considering that this matter involved constitutional, legal and other technical points, I thought that I would be safer in addressing this House in English. As I said this is a complicated matter which has no precedents. But simply because there is no precedent it does not mean that new breaches of privilege of this House cannot arise at all. We should not always be guided only by precedents. It is not as though that if there is no precedent we should always hold that there is no breach involved. As a matter of fact perhaps in no country under no circumstances a matter like this took place. Perhaps they never contemplated that such a case was possible. That is why we have no precedents in this matter. So in this we have to be guided, not by precedents but by what the Construction provides, what our rules provide and ultimately what your judgment in this matter is, namely whether it affects the privileges of this House in any manner. Therefore, Sir, it is necessary to look into this matter in a very objective manner. I may tell hon. Members of the D.M.K. party that I have no ill-will against any individual member. If I put forward certain arguments it is only for the purpose of clarification, I can assure hon. Members that I have nothing against any individual member of the D.M.K. party. But we are now concerned with their conduct in this House and the consequences of their boycott of the Governor's Address. In assessing that, it is not the conduct by itself which becomes blameworthy or which becomes the evidence as far this House is concerned. It is one thing if one was absent when the Governor was addressing the House. That may be a simple and innocent act. But when the absence is coupled with certain intention then alone that conduct becomes objectionable. Therefore we have to look into not only the conduct but the motive behind that act. It is only these two things that would come for the purpose of judging whether it is an objectionable conduct or

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whether no action is called for on the part of the House in respect of this boycotting of Governor's Address. Therefore, Sir, let us now consider what is the position?

What is it that we are objecting to here? The D.M.K. party absented themselves when the Governor addressed the House. As a matter of fact I was also absent on that occasion. Therefore mere absence as such will not constitute an objectionable conduct. We have to look into the motive behind that conduct. That conduct was motivated by the policies and ideals of the D.M.K. party. Therefore we have unfortunately now to analyse the policies and ideals of the D.M.K. party which lead to the party boycotting the Governor's Address on a particular date. That is why the policies and ideals of the D.M.K. party become relevant for the purpose of considering the conduct of the party in boycotting the legislature on a particular date. Therefore it is not my intention to go into the various aspects of the policies of the D.M.K. party and what they are doing in pursuance of their policy. But I am going to refer only to certain relevant aspects which will have a bearing on the conduct of the D.M.K. party on that particular date. Therefore I would request hon. Members to bear with me if I say a few words with regard to the policy and ideals of the D.M.K. which lead to that party boycotting the legislature on the particular date. What is their policy? What is their ideal? What is it that motivated them to take this action of abstaining themselves from attending the legislature on the particular date? Sir, they do not believe in the cultural unity of the country or racial affinity between peoples residing in various parts of the country. That is one aspect. Even though we may belong to various cultures and even though there are various races in our country, some people might think, for our benefit and for our convenience (it may be for our benefit) we are under one political set up. They not only not believe in the racial affinity and cultural unity of the country but they go a step further. They say the political unity also is a thing in which they do not have any faith.

SRI M. KALYANASUNDARAM: On a point of Order, Sir. Now we are considering the question whether there is any breach of privilege due to a particular party boycotting the Governor's Address. The Hon. Leader of the House is going into the merits of the case.

THE HON. SRI C. SUBRAMANIAM: I have to deal with it in my own way.

MR. SPEAKER: Whatever be the reasons that actuated the D.M.K. party not to attend the joint session the question is whether this House is concerned with that and whether their absence constitutes a fault involving breach of privilege. The Hon. the Leader of the House has discretion to go into the motive behind this. I want him to consider these two aspects also. I am not going to allow laughter and clapping of hands.

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THE HON. SRI C. SUBRAMANIAM: With great respect to you, Sir, I may say that mere absence as such is not objectionable. Nobody could take objection if a particular member was not able to attend the legislature on the day the Governor addressed the House. We have to consider the *mens rea*. *Mens rea* is absolutely necessary for the purpose of deciding whether the conduct is objectionable. To find out whether the boycotting was objectionable, we have to go into the motive. To find out whether it constitutes a breach of privilege of this House, it is necessary for us to study the motive behind this. What is the motive for their boycotting the Governor's Address? Why did they do so even though the purpose for which they took this action did not fructify? But still why they took this action? We would have to consider the matter in all its aspects and it becomes relevant to consider their political ideology to find out why they boycotted the legislature on that occasion. Then only it would be possible for us to know clearly whether there is *prima facie* case or not. That is my respectful submission. That is why I want to state certain salient facts which led to the boycott itself. I was saying they have no faith in our political unity, in our present set up. It is not merely a question of their having no faith in the political set up. They go further and they believe that in this set up it is a question of domination of the North Indians over South Indians. The Constitution which has been framed is, according to them, an instrument by which this domination is given effect to. That is why their objection to the Constitution or objection to the various institutions created under the Constitution. They believe that the Constitution is an instrument by which there is domination by North Indians over South Indians. It is their declared policy that this domination should be removed. That is why they want to show disrespect to the Constitution and the various institutions created under the Constitution. Since they believe that the Constitution is an instrument by which the domination by North Indians over South Indians is given effect to, they want that the Constitution also should be broken. I hope I am stating the policy of the D.M.K. correctly.

(Sri C. N. Annadurai rose.)

MR. SPEAKER: I am sorry. This is not a debate. It is just a clarification for me. I have given the Hon. Leader of the House an opportunity to speak what he feels over this matter. I would like him to say what he thinks. I will not allow others to intervene and I will also not allow clapping of hands by members of different parties. The Hon. Leader of the House is clarifying his point. I will also give the hon. Member, Sri C. N. Annadurai an opportunity to clarify his point of view. At the time when he speaks, I will not allow the Hon. Leader of the House or others to intervene. I will allow the hon. Member Sri C. N. Annadurai to have his say. The Hon. Leader of the House may now continue.

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SRI K. ANBAZHAGAN : On a point of order, Sir. I want to know whether it is proper to make allegations in this House against a party, which has taken the oath of allegiance in the House itself, that it is against the Constitution when that party itself advocates the reform of the Constitution. 01-00 a.m.

MR. SPEAKER : I want to make it very clear that this is not a debate. Therefore neither party can take political advantage of what is being said here. This is just for my clarification. Therefore whatever is said has no political background and there is no point in raising a point of order. I will give the Leader of the hon. Member's party as much opportunity to define his policy, as I am now giving the Leader of the House. I do not want anybody to take political advantage of what is being said on this occasion. It is purely for the elucidation of the Speaker. Therefore please do not take it as a political speech. The Hon. the Leader of the House may proceed.

THE HON. SRI C. SUBRAMANIAM : Sir, I want to make my position a little clearer. It is not by changing the Constitution in a particular way by reallocating the various subjects as between the Centre and the States that they want to achieve their objectives. On the other hand, their avowed policy is the separation of the Dravidanad, and the establishment of an independent, Sovereign, Dravidanad. Therefore the question whether they still owe allegiance to the Constitution is quite a different thing. I am saying that at least for the sake of form they should owe allegiance even though they may work for the breaking of the Constitution and the breaking up of the country. This is one aspect, which you will have to keep in mind. Their avowed policy is the establishment of Dravidanad—a separate, independent, and Sovereign State, away from the Constitution. That is why, Sir, it becomes important to consider this point. To-day, there is the border violation. Why are we so much agitated about it even though that land may not be of any value to us? We attach some sanctity to the land in which we live. That integrity should not be affected in any way whatsoever. That integrity can be affected not only by external aggression but by internal forces also, even as our own human constitution can be affected by external violence and also at the same time by a more dangerous disease that may creep within our constitution. I am saying this because it is not merely by external aggression alone this disruption can take place and integrity can be affected, but by internal forces also that integrity can be affected. That is why I want to make this point clear, that is, the difference between the reformist attitude and the question of breaking up the country altogether and the establishment of a separate, Sovereign, independent State. They want to break this constitution to that extent. What are the methods adopted for the purpose of breaking the constitution? The first is by creating a sense of hostility among the people towards the Constitution and secondly by ridiculing the Constitution and bringing it into contempt. I do not think the D.M.K. has got the

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other programme of resorting to violence for the purpose of establishing Dravidanad. I am sure they are going to undertake constitutional methods and peaceful methods for breaking the Constitution and then establishing Dravidanad. That can be achieved only by creating a sense of hostility among the people with reference to the Constitution, and then by bringing it into contempt by ridiculing it. In pursuance of this policy, they absented themselves from the Legislature when the Governor addressed. I do not think simply because of some whim or fancy they absented themselves. It is because of their declared policy of attaining Dravidanad by breaking the Constitution, and as a means towards that end, they wanted to absent themselves particularly when the Governor addressed the Legislature. That is the point that I want to say. These are the facts which I want to place before you.

Then, Sir, I will go into the various relevant provisions which would be applicable under the Constitution and the various provisions with reference to contempt and privilege to find out whether those provisions and whether those laws and provisions relating to contempt and privilege would be applicable to the acts of the party in absenting themselves from the Governor's Address. Sir, the Leader of the Communist Party pointed out that they also absented themselves on a particular day. We have to make a distinction between the two things. Absenting themselves because of a particular grievance, is one thing. But the purpose of violating the Constitution as such, protesting against certain sections of the Constitution, and the purpose of showing disrespect to the institutions created by the Constitution, is a completely different thing. If to-morrow, because of certain acts of the Government they want to show their protest, and therefore they want to absent themselves on a particular day, certainly every member and every party has got the right to protest against a particular act of the Government. Now what we are concerned with is policy. For the purpose of protesting against the institutions created by the Constitution, and declaring it as such, they wanted to absent themselves. That is the difference. Absenting themselves as a mark of protest against the policy or against the particular omissions and commissions of the Government, is one thing. But absenting themselves, as a declared policy and saying, 'Because the Governor is addressing, we are not coming here to hear the Governor's Address', is completely a different thing altogether. This distinction will have to be made in approaching this question. This is my respectful submission. Therefore, we have to go into the relevant provisions in the Constitution for the purpose of finding out whether this conduct is objectionable with reference to the Constitution and the various provisions relating to contempt and breach of privilege. The first thing that I would like to refer to is Article 168 of the Constitution. It says—

'For every State there shall be a Legislature which shall consist of the Governor, and . . .'

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where there are two Houses, both the Houses, and where there is only one House, one House. Therefore, the Legislature is not confined to the Speaker and the Members of the Assembly. The Governor forms an integral part of the Legislature. That is my respectful submission. Articles 153 and 154 say that there shall be a Governor for each State, and that the executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him. Apart from his being the head of the State under these two Articles, Article 168 makes the Governor an integral part of the Legislature. Therefore, the Legislature would include the Governor also. This is my first point. Secondly, the Governor is also assigned certain parts in the functioning of the Legislature itself, inside as well as outside. That will be my respectful submission. Then, I go to Article 174. Summons to the Legislature has to be issued by the Governor. Even the Speaker cannot summon the Legislature. It is the Governor who has got to issue the summons, even though an adjourned meeting can take place on the date fixed by the Speaker. Therefore, it is the Governor who has got to summon the Legislature, prorogue, and also dissolve it. This is the function given to him under Article 174. Now, as a matter of fact, we are concerned with Articles 175 and 176. Article 175 refers to the general privilege given to the Governor to address the Legislative Assembly separately, to address the Legislative Council separately, or to address both the Houses together, if there are two Houses. This is the privilege given under Article 175. He can also send messages to the House or Houses. The question arises at what stage the Governor addresses the Legislature. Is the Legislature in session at that time? This is a very relevant point for the purpose of considering whether this Address would relate to the Legislature while it is in session. Light is thrown in the language used in Article 176. It says that at the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly or, in the case of a State having a Legislative Council, both Houses assembled together. At the commencement of the session, the Legislature is addressed. Not that the Legislature begins with a Governor's Address. That is, the Governor's Address is something different. After that, the Legislature session begins with the work of discussing the Governor's Address. The session itself begins then and the Governor's Address forms part of the beginning of that session. That is my respectful submission with reference to the reading of Article 176.

No doubt, article 176 refers only to the first session after each general election to the Legislative Assembly and the first session of each year. But the position is not different. When he summons the session at the commencement of the year or the first session after the general election, it is under article 176.

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MR. SPEAKER: Will the Hon. Leader of the House kindly clarify whether what the Governor addressed is a Legislature session which requires either the Speaker or the Chairman to preside?

THE HON. SRI C. SUBRAMANIAM: The article says:

"At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly or, in the case of a State having a Legislative Council, both Houses assembled together and inform the Legislature of the causes of its summons."

MR. SPEAKER: Suppose a Member misbehaves at a joint sitting. Who is to take action against him?

THE HON. SRI C. SUBRAMANIAM: We have provided for that in the rules. I will come to that later. It is a session which the Governor addresses. Therefore, as far this is concerned, I do not think any doubt can be raised whether what the Governor addresses is a session of the Legislature or just a meeting of the Members like the one in Parliament addressed by President Eisenhower. This is a session of the Legislature which the Governor addresses like the one in Parliament which the President addresses. As far as we are concerned, we are accustomed to think in terms of you, Sir, presiding, the Members sitting here and transacting business. That is not the only way in which a session of the Legislature is indicated. That is why we considered this question of breach of privilege in that context and made a rule to the effect:

"When the Houses of the Legislature are assembled together under Article 175 or 176 or when the members of the Assembly alone have assembled, under Article 175 of the Constitution, no member shall obstruct or interrupt the Address either before or after the Address or during its duration, with any speech or point of order or in any other manner; and such obstruction or interruption shall be regarded as a gross breach of order of the House and shall be dealt with by the Speaker as such at the next sitting of the Assembly."

So, we do not make a distinction here between Article 175 and Article 176. It is not as if any breach of privilege is left unnoticed. The Speaker takes hold of the situation and at the next sitting takes action against particular members who might have created the obstruction. That is one aspect.

With reference to commission of contempt and breach of privilege, it is not necessary that this House should be in session and that the breach should take place within the House. Breach or contempt can take place anywhere and it is open to you, Sir, to find out whether it is contempt or breach of privilege of this House. It might not have taken place here or it might have taken place when you were not in the Chair and your representative was in the Chair. The question whether the House is in session does not arise

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when the act of a Member or a party amounts to contempt or breach of privilege. In this connection, I would also place before you certain other facts. It may be said that it was towards a joint session of the Legislature they were expressing certain sentiments, and behaving in a particular way. The Legislature, Sir, is a composite body and what is contempt with respect to the whole is contempt of the part also. The Legislative Assembly is part of the Legislature. The Governor is also part of the Legislature.

SRI M. KALYANASUNDARAM: Will contempt of the part amount to contempt of the whole?

THE HON. SRI C. SUBRAMANIAM: Not necessarily. That is a quite different thing. Also, contempt of one group does not necessarily mean contempt of another group. But that is not relevant here for our purpose. Taking the entire Legislature as such including its components like the Governor, etc., what is contempt or breach of privilege in respect of the whole is breach of privilege of the part also. Articles 175 and 176 are the two relevant articles with reference to which the question will have to be judged. There is another article also—Article 188 which is of equal relevance. It says:

“ Every member of the Legislative Assembly or the Legislative Council of a State shall, before taking his seat, make and subscribe before the Governor, or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the Third Schedule.”

I am sure, the Speaker is aware of the form in which the Oath is taken. But it is necessary to remind ourselves of the form in which the oath is taken. It is:

“ I, A.B., having been elected (or nominated) a member of the Legislative Assembly (or Legislative Council), do swear in the name of God (this is for those who believe in God)/solemnly affirm (this is for those who do not believe in God) that I will bear the true faith and allegiance to the Constitution of India as by law established and I will faithfully discharge the duty upon which I am about to enter.”

Therefore, whatever might be your opinion about the Constitution and whatever might be your views about the Constitution and whatever might be the changes you want to make in the Constitution, as long as you function as a Member of the Legislature there should be no breach of its provisions.

MR. SPEAKER: Suppose there is a breach of the Constitution. Who is the authority to take notice of it? Is it the Speaker or is it a Court of Law?

THE HON. SRI C. SUBRAMANIAM: Ultimately, it depends upon whether that breach of oath or allegiance casts any reflection on the authority of this House. We again fall back upon the same thing. I am bringing all these things to the notice of the House to show how it is their intention to commit contempt of the House.

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MR. SPEAKER: That is all right.

THE HON. SRI C. SUBRAMANIAM: Therefore, that is the point which we have to bear in mind. I am not here to impeach the Dravida Munnetra Kazhagam for their breach of the oath of allegiance. They have to stick to the institution even though they may have no faith in it. Somebody said: 'Hypocrisy is a form of tribute which vice pays to virtue'.

SRI A. V. P. ASAITHAMBI: Dr. Johnson said that.

THE HON. SRI C. SUBRAMANIAM: I am glad the hon. Member has read Dr. Johnson. The point which I want to bring to the notice of the House is, they have inevitably to conform to this, if they want to abide by the oath of allegiance they have taken. Therefore, we have to find out whether there has been any contempt or breach of privilege. It is necessary to have an idea of what constitutes contempt and what is breach of privilege. Then alone it will be possible for us to examine this.

Sir, in this connection I would quote from page 109 of May's Parliamentary practice'. The edition is the same as you are also having. This is what you find there:

'It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as contempt even though there is no precedent of the offence.'

That is what I would say.

Secondly May further says:

'Other acts besides words spoken or writings published reflecting upon either House or its proceedings which, though they do not tend directly to obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such House into odium, contempt or ridicule or by lowering its authority may constitute contempt.'

This is on page 120 of May's Parliamentary practice.

Therefore in this case you will have to look into . . .

MR. SPEAKER: I would like to have one more clarification at this stage. Is the Hon. Leader of the House suggesting that walking out is contempt of the House? Is not walking out or absence, a legitimate method of expressing ones disapproval or dissatisfaction?

THE HON. SRI C. SUBRAMANIAM: That is what I am coming to. That is why I have said further argument is necessary to show how it is a contempt of the House.

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MR. SPEAKER: (Leaving the Chair to the Deputy Speaker.)
The Hon. the Leader of the House may please continue. I will be back in a minute.

(Deputy Speaker in the Chair.)

THE HON. SRI C. SUBRAMANIAM: Sir, I was trying to impress upon the Speaker the various provisions of the Constitution under which we have got to function and I read out Article 168 to show that the Governor forms part, an integral part of the legislature and that is why he has been given certain authorities and certain functions. If the Governor is being slighted in his functioning as the executive authority that is a quite different matter. I do not think we can take notice of it. There are other laws for the purpose of taking notice of such actions. But what we are now considering is when the Governor functions as an integral part of the Legislature, then immediately we get seized of the matter, the legislature gets seized of the matter and it will have jurisdiction over all such acts.

(Mr. Speaker in the Chair.)

I was making this point, Mr. Speaker, that the Governor functions in different capacities. He is the Head of the State, he is the Head of the Executive. If any acts are done or if any words are spoken which bring into contempt the Governor as such as the Head of the State or as the Head of the Executive, certainly this House has nothing to do. But what we are now concerned is, under Article 168 of the Constitution, the Governor forms an integral part of the Legislature. Therefore when he functions as an integral part of the Legislature, a limb of the Legislature, then if any act is done or words spoken which would affect the authority of the Governor as a limb of the Legislature, my respectful submission is, this Legislature gets jurisdiction.

MR. SPEAKER: One other clarification. The Governor in his Address says often: 'My Government proposes to do this or that'. Therefore, is he addressing the legislature as a limb of the legislature or as the head of the Government.

THE HON. SRI C. SUBRAMANIAM: That is why I read Article 168 of the Constitution, Sir. For every State there shall be a Legislature which shall consist of the Governor. Sir, the same question can be put with regard to the Hon. the Chief Minister or the Finance Minister. I say: 'My Government's policy' or 'this Government's policy'. But still I continue to form part of the Legislature; even though I speak on behalf of the Government, still I am functioning as part of the Legislature. So, the content of the speech is not the criterion which you should look into. You must look into the Constitutional provisions to find out in what capacity the Governor is addressing the Legislature. That is laid down in Articles 168, 175 and 176. The Governor might say: 'I have nothing to say'. That is quite a different matter. The question is as to how he functions and that is why I laid stress on Article 168 of the Constitution. The

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Governor is not something different from the Legislature. For certain purposes the Legislature consists of the Governor and the two Houses of Legislature, together. Therefore whatever act is done or words spoken which would bring into contempt the Governor when he functions as a limb of the Legislature, my humble submission is, that the Legislature is entitled to take cognizance of.

Now, we have to look into the case, why they absented or how their absence brings into contempt the Governor as a limb of the Legislature. That is the question you will have to consider now.

Sir, sentiments were expressed by the leader of the DMK party that individually he has got the greatest respect for the Governor. That is a different matter. But as a matter of fact after having expressed and had the greatest respect for the Governor as an individual, my own submission is, when the leader of the DMK party absents himself from the joint meeting because the Governor is presiding or delivering his address, if it means anything, it aggravates the offence and does not extenuate the circumstances. Personal regard is no extenuating circumstance, it only aggravates it. This individual relationship, we may leave it out of consideration altogether because as between two individuals, what they think about each other is absolutely irrelevant so far as this question is concerned.

MR. SPEAKER: Are there not instances in this House when members say they have the greatest respect for the Speaker and at the same time walk out and may I therefore take it that their conduct is a form of insult or a protest?

THE HON. SRI C. SUBRAMANIAM: Kindly, don't take those professions on their face value. (Laughter.) That is only a polite way of putting this when I disagree with you.

MR. SPEAKER: I can see the Hon. Minister's point.

THE HON. SRI C. SUBRAMANIAM: Now, the point for consideration is this. It is not because the Governor happens to come from Northern India that they absent themselves. It is only an enlightened way of putting it. What they say is, the Governor under the Constitution is the symbol of the North Indian domination, the Governor is one appointed by the Central Government which is according to them a Northern Indian Institution and not a common institution for all the people of the whole country, even though the representatives of their party sit in Parliament at the Centre. But I submit it is a different matter altogether. According to them the institution of Governor is a symbol of Northern Indian domination. Even if temporarily the hon. Member Sri Annadurai is appointed as Governor, that evil of North Indian domination is not removed. As a matter of fact, then he would become the symbol of the Northern Indian domination. Therefore, I submit, Sir, individuals do not come into the picture at all.

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SRI M. KALYANASUNDARAM: When the late Sri A. J. 10-30
John addressed the legislature they attended the joint sitting of a. m.
the Legislature. (Laughter from Opposition benches.)

THE HON. SRI C. SUBRAMANIAM: Kindly don't laugh over
this. This is not a matter for laughter.

MR. SPEAKER: This is not a matter for jubilation. It is a
serious matter. I would request hon. Members to take it seriously.

THE HON. SRI C. SUBRAMANIAM: They do not seem to
realise that. They think this is a matter to be played with. They
think they can come in as they like and go out as they like.

Now coming to my point, the Governor, considered as an indi-
vidual, has no relevance to the matter under discussion. What
they protest against and say is: 'Here is a symbol of the Northern
Indian domination and a Governor appointed by the Northern
Indian Government'. I do not know, Sir, whether they would
offer a clarification and say they would object only to the
personality. Then I would put a humble question to you, Sir, not
that I have any disrespect to you or anybody else, who might adopt
that attitude—if tomorrow some hon. Members take the attitude
that because your mother tongue is Kanarese and this is a legisla-
ture of Tamil Nad and therefore you . . .

SRI A. GOVINDASAMY AND SRI M. KALYANASUNDA-
RAM were heard to say: 'That is canvassing'.

MR. SPEAKER: No, no.

THE HON. SRI C. SUBRAMANIAM: Suppose tomorrow they
take that attitude that your mother tongue is Kanarese and there-
fore when the Speaker is in the Chair, why should we sit in the
House, we will walk out? I would like you to consider that
aspect of the matter also. My argument is, on this aspect. If
they should argue that because the Governor is a Northern Indian,
they are objecting to it, even then I am saying he is a person
appointed under the Constitution and he is a Governor under the
Constitution and therefore they cannot take objection to his
language, to his residence or to the State to which he may belong.
On this basis also they cannot object to it.

I can understand, if it is barred under the Constitution, that no
North Indian should be appointed, they can object to it. But
under the Constitution anybody can be appointed as the Governor.
Therefore, they cannot take the excuse and say because he comes
from Northern India, we are entitled to bring him into contempt
or we are entitled to disrespect him or commit a breach of privilege
of this House. Certainly such an attitude cannot be taken by
them.

Therefore, I submit humbly, that it is another way of commit-
ting a breach of the oath of allegiance they have taken, because
under the oath they have taken they have sworn allegiance to the

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Constitution which makes no difference between man and man and between one citizen and another citizen. Therefore if they now want to discriminate on the basis of the fact that the Governor comes from the North Indian State and that he is a Northern Indian, it is only further aggravating the circumstances. It is another clear breach of privilege and bringing him into contempt. Therefore I submit, instead of taking a uniform attitude irrespective of the person occupying the office of Governor, if they take the attitude, namely, because a Northern Indian occupies the post, they will be going a step further in discrimination of one man from another, one person from another person which they are not entitled to do under the Constitution and which they should not do under the Constitution for which they have sworn allegiance on the floor of this House. That would make the matter worse, namely, it is because he is a Northern Indian, "we are attacking the Legislature and we won't appear before him when he addresses the Legislature".

Therefore looked at from any point of view, whether their argument is that the Governor is a North Indian and therefore they did not attend or he is a symbol of North Indian domination and therefore they abstained themselves from attending the meeting, it is clear they wanted to bring into contempt and ridicule the office of the Governor when he functions as a part of the Legislature. Therefore I would respectfully submit that this is a breach of privilege of this House. That is how I wish to put the case before. You must consider this aspect also, namely, the fact that the Governor functions as a part of this legislature. When he functions as such, if it is their intention to create a sense of hostility to the office of the Governor or if it is their intention to ridicule the office of the Governor and bring him into contempt, either way, it is a breach of privilege of the House. That is my humble submission and I do not think in this case the question would arise apart from the motive with which they have taken this action.

Sir, in considering this matter, I know even the leader of the D.M.K. party is in a very peculiar situation here. So far as we were concerned, we were opposed to the foreign domination in India. We not only opposed it, on every platform we were prepared to assert that we were opposing it and prepared to take the consequences. Therefore if it is the real intention of the D.M.K. party, I would request the hon. Member Sri Annadurai to think over it and not to evade the issues and run away from the consequences of their acts. If it is their intention that they do not want to respect a North Indian Governor apart from the individual, they won't pay any respect or homage to him, then it should be for the leader of the D.M.K. party to say 'This is our intention, to bring a sense of hostility or bring him to ridicule'. Otherwise their action has no meaning. It is not for the particular acts of omission on the part of the Government or the Governor or the policies of the Government that they are protesting and abstaining

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from attending the Governor's Address. If they are true to their own faith which they are proclaiming outside, namely, that the D.M.K. is opposed to the various forms of Northern Indian domination, and Northern bureaucratic authority which has appointed a Northern Indian Governor, in all fairness to himself and in all fairness to the party to which he belongs and also in all fairness to this House—whatever may be the consequences and they may be nil or something—he will have to declare: 'Yes, it is our intention to bring into contempt and ridicule the office of the Governor, the Northern Indian who has been appointed as the Governor or to create a sense of hostility so that they might fight the Constitution and break it'. Without this objective I humbly submit, there is no meaning in their action.

I know, Sir, you are put in a very embarrassing position. We are all in an embarrassing situation and we are called upon to perform duties which sometimes are very unpleasant to perform. But that is not our concern. So far as we are concerned, I am sure, it is not our intention to show any disrespect to the hon. Member Sri Annadurai or to any Member of his party. I have the greatest respect for them as individuals. But here we are concerned with the policies and their conduct relating to their policies and if we find there has been a breach of the privilege of the House and that they attempted to bring into contempt or ridicule the office of Governor or tried to create—whether they would succeed in it or not is another matter, is a different matter; it may have no effect at all on the people outside or in this House—a sense of hostility, I would submit it would be a commission of contempt and it would be a commission of a breach of privilege of this House. I know, Sir, this is a very difficult and complicated matter but I am sure you will rise to the occasion and find out what the real position in the matter is.

SRI M. KALYANASUNDARAM: Does it not amount to canvassing?

THE HON. SRI C. SUBRAMANIAM: It is not. I am only stating the real position.

MR. SPEAKER: The hon. Member will also get his chance. He can then canvass as forcefully as he can.

THE HON. SRI C. SUBRAMANIAM: I am not canvassing this way or that.

MR. SPEAKER: Nobody can.

THE HON. SRI C. SUBRAMANIAM: I am only placing the matter before you, Sir, as I understand it. When the privilege motion was moved I did not say definitely whether there was a prima facie case or not but when we go into the details and particularly the implications and the motives behind the action I would respectfully submit a clear case, not only a prima facie case, has been made out and commission of contempt and breach of privilege of this House have taken place.

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* SRI V. K. RAMASWAMY MUDALIAR: Mr. Speaker, Sir, here we have a very important question of breach of privilege raised by one hon. Member of this House, questioning the conduct of the D.M.K. party, the members of which party stayed out of the House when the Governor was addressing the joint sittings of the Legislature, recently. So far as we are concerned, I am of the opinion that by no stretch logic, their conduct can be said to amount to a contempt or breach of privilege of the House. Even if the Members had staged a walk out no contempt can be said to have been committed for I am of the opinion that no member can be compelled to attend a sitting if he elects to stay out and even if he had taken the oath of allegiance.

Sir, the opposition does not at all support the main motion. So far as myself and my party are concerned we may have difference of opinion on the issue of politeness and courtesy but absention from the House whatever be the reason for absence, cannot be treated as contempt. That is my submission, Mr. Speaker.

Then, when the Governor's Address is prepared in conformity with the policies adopted by the Ministers, members will have to deal with the Governor's Address in accordance with their own views on the policies declared in the Address. The dignity of the Governor is not at all involved in this matter.

Again, Sir, if a group of members or any one member stages a walk out as soon as the Governor enters the House, definitely then, such behaviour can be construed as amounting to discourtesy at the most. But here they did not stage a walk out at the time of the Governor entering the House to address the Legislature.

Sir, it is extremely doubtful if absenteeism could be construed to be discourteous, especially when the reasons for such abstention are on grounds of the principles of a political party. That is a matter for very serious consideration. In any case such a situation cannot be regulated by rules. We have to leave it to the hon. Members of the parties concerned or individual members concerned to decide the propriety or otherwise of such action.

Indeed, Sir, staying out from a sitting of this nature, or staging a walk out has become a common form of registering protest by some of the opposition members. Also, this has been recognised by many distinguished Speakers in different Parliaments. In fact, Sir, according to the distinguished Speaker of our Indian Parliament, the late Mavalankar whom I wish to quote, has said:

' Even if the walk out is done as a protest against the ruling of the Speaker, provided this is done without recourse to shouting and unparliamentary conduct it could not amount to any indignity reflection on the Chair.'

This is my submission, Mr. Speaker.

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At the same time Mr. Mavalankar also suggested that the appropriate course, on occasions of this nature, would be, not to take notice of such walk-outs. This meets all the points raised by the Hon. the Leader of the House.

MR. SPEAKER : The Hon. the Leader of the House has given his opinion. Let not the hon. Member embarrass me by quoting Mr. Mavalankar. I can also quote Mr. Mavalankar to support my argument against the point raised by the Hon. the Leader of the Opposition.

SRI V. K. RAMASWAMY MUDALIYAR : Sir, about the walk-out he said so.

MR. SPEAKER : I want the opinion of the hon. the Leader of the Opposition and let not the hon. Member support his argument by quoting Mr. Mavalankar because it would be very embarrassing to the chair if later on he decides to give his ruling against it.

* SRI V. K. RAMASWAMY MUDALIYAR : It is left to the Chair to give any ruling afterwards. But I can quote some authority in support of my argument.

As I said already, it is not obligatory on the part of every hon. Member to attend the joint session. It is not a question of summons which is expected to be responded to. Even in the Mother of Parliaments there have been occasions when some parties did not attend when the question of loyalty to the Crown was raised. It seems ironical that the Party which behaved exactly as the D.M.K. has done, should have raised this matter. There had been many instances in the past of the Congress Party boycotting the session of various State legislatures and my submission is that this is not a new thing when the D.M.K. staged a walk-out. I am sure they did not mean any disrespect and I do respectfully submit that what is sauce for the Congress goose even mistakenly be taken as sauce for the D.M.K. gander. I therefore consider that there is no question of privilege.

SRI C. N. ANNADURAI : Mr. Speaker, Sir, I would very respectfully submit that the Chair should allow me certain latitude because being a layman and having to deal with legal, intricate and constitutional problems, I may not be quite logical. As the Hon. the Leader of the House has stated, there is no precedent for this and we will have to formulate our own opinions with regard to the alleged incident. Before proceeding to that, I would first consider certain political tenets that are alleged to be held by our Party as propounded by the Hon. the Leader of the House. Of course, I cannot expect the Hon. the Leader of the House to know exactly what we mean by 'Dravida Nad'. He has been pleased to state that we do not believe in the cultural unity of this country but in the very next sentence, he has stated that there are cultural differences but there ought to be unity in spite of differences. But I am not going to argue about the illogicality of that argument. He has further stated that we have got the

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greatest contempt for the Constitution and it is our avowed object to have the Constitution broken. We have never stated that either here or elsewhere, nor have we got such a tenet. As a matter of fact, taking the oath of allegiance does not mean that one should not speak against certain sections or certain implications of the Constitution. The Hon. the Leader of the House has also pointed out that because we have taken the oath of allegiance as per Article 188 of the Constitution, we are bound to respect it. We do not have any disrespect for that but Article 188 of the Constitution is also followed by Article 368 of the Constitution wherein it is expressly stated that an amendment of the Constitution is allowed. Of course, the procedure is cumbersome but there is a provision for amendment. Therefore, whatever views we express by words or by deeds to our view of the Constitution, it is safeguarded by Article 368 of the Constitution which provides for an amendment of the Constitution. The Hon. the Leader of the House has been expatiating upon the tenets of the Dravida Munetra Kazhagam and he was so good as to inculcate heroism in our minds. He said: 'If you take a stand, be prepared for the consequences'. We are not running away from any consequences. But we would like to point out that because consequences are stated to be very irksome, the Government cannot prevent an hon. Member from expressing his view in a legitimate and constitutional manner.

Sir, the Hon. the Leader of the House was a little bit 'hasty'—if I may use that word—when he said: 'You may have individual disrespect for the Governor but you should be present here when he addresses'. Whatever may be the constitutional propriety of his argument, I would like to reiterate here, what I have already reiterated, that we do not have an iota of disrespect to the Governor as an individual. Condemnation of an institution cannot be misconstrued into a denunciation of the particular individual incumbent in that office. What all we are trying to do, we might have done it in a rather cumbersome way which might have caused certain difficulties with regard to sentiment; but what we have tried to do here is to register our protest and disapproval of the institution of Governor which is not an elected institution. It is a nominated institution, nominated or appointed by the President and because of that we have expressed in our Party manifesto and in our propaganda outside and even in speeches made here sometimes, that we do not think that there is any necessity for Governorship here and even if there is some sort of ceremonial necessity for Governorship, we can have an elected Governor and even if there is to be an elected Governor he should be a son of the soil of this place. Well, the Hon. the Leader of the House has laboriously built up an argument that we are inculcating hatred between the North Indians and South Indians. I deny that charge but even if that charge is to be substantiated I doubt very much whether it comes under the jurisdiction of this House because creating

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communal hatred or hatred between two communities of this country, comes perhaps under the jurisdiction of the Indian Penal Code and not under the jurisdiction of this House. Therefore, Sir, he has been pointing out certain arguments just to show that the incident that is alleged to have taken place is so terrible and so fearful that the consequences also would be very heavy. Well, I am not to be threatened into submission by the arguments of the Hon. the Leader of the House. I am entirely in your hands and I have got the greatest respect for and confidence in your judgment. Sir, Congressmen also did certain things in the past and they were prepared to face consequences. Please do not think that the last battalion of heroes has run out from this country and there are fresh battalions and their methods may vary. But it is not for the Hon. the Leader of the House to inculcate heroism in others and let him preserve the heroism he once had. So, I would respectfully submit that the Hon. the Leader of the House made the fearful charge that we are creating hatred between North Indians and South Indians. By 'North Indians' we mean not people inhabiting North India. It is a symbolic expression of what is technically known as the 'Central Government'. Whenever we talk about North Indian domination, we do not for a moment mean that a man from Bombay or a man from Rajasthan or a man from Calcutta is dominating over three other men in South India. When Congress people talked about British Imperialism, they did not mean John or Jones but the system which was then in vogue. So, when we talk of the North Indian domination, let not the Hon. the Leader of the House charge us that we are against the individual North Indian as such. What we mean by North Indian domination is the Central Government and the Constitution which vests the Central Government with extraordinary powers to show that there is domination of the Central Government over the States here. That is why, Sir, when I had occasion to explain the matter I said that myself and the members of my party did not have even an iota of disrespect to the Governor. I repeat that here not because I think that would be a sort of excuse but because I think that the Governor coming from a distant province should not carry with him the painful message that there are people here who hold disrespect to him. I have the greatest respect for the Governor because prior to his Governorship here he was heading the State of Assam during which time he was carrying on a heroic and vigorous struggle against Central Government's domination over the States. When I compare that attitude with the attitude that we find here I think that in spite of the fact that he comes from the North he is more akin to my leanings, in contrast to the Hon. Finance Minister's attitude towards me. Therefore let not the impression be created in the minds of anybody that we are creating any disrespect to the Governor.

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Another point. The Hon. Leader of the House laboriously built up an argument that we are ridiculing the Constitution. There are people who burn the Constitution. When the Hon. Leader of the House asked me to be prepared for the consequences of our action he ought to have realised that those people who burnt the Constitution were not only prepared for the consequences but took the consequences also. If it is found that certain consequences would come out of my action, I will not run away from those consequences. So let me not be criticised or condemned on that score.

As a matter of fact I consider the matter to be very serious not from my point of view but from the point of view of the precedent that we are going to make. The Hon. Leader of the House has pointed out that Governor forms part of the legislature and he has quoted Article 168 of the Constitution which says that every State shall have a legislature which shall consist of Governor and in the States of Bombay, Bihar, etc., two Houses and in other States, one House. He has been arguing that Governor is an integral part of the legislature. I dispute his contention. The Governor is not an integral part of the State legislature for two reasons. Firstly he is not a member of any House. A member of a House means that he can take part in the proceedings of the House. Article 194 of the Constitution sub-clause 4 says as follows:—

“ The provisions of clauses 1, 2 and 3 shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of the Legislature of a State or any committee thereof as they apply in relation to members of that legislature.”

I would like to lay stress on the word “proceedings”, because the Governor may address the Legislative Assembly but he cannot take part in the proceedings of any house. The word “Proceedings” does not merely confine itself with speaking. It is expressly stated that any individual member takes part in the proceedings by following the recognised methods of casting his vote, giving notice of a motion, or opposing a motion or opposing or supporting the report of a committee, etc. It is not as if “speaking” alone constitute taking part in proceedings, and that the definition of the word “proceedings” includes only that. The Governor is not a part of this House or that House. Article 158 expressly states that the Governor shall not be a member of either Houses of Parliament or houses of the Legislature of a State. Therefore privileges arise only when the privilege of a member of a particular House with which we are concerned, is undermined. Then only the question of privilege arises. My contention is that Governor is not an integral part of the Legislature. He is not a component part of any of the Houses since he is not a member of either House in the State. He is not allowed to be a member constitutionally and he cannot take part in the proceedings

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of the House. Therefore my contention is that Governor is not an integral part of the legislature. I would also like to stress another point.

I am a layman and not a legal expert. I want to know one thing. Why should the Constitution speak of "Legislature" and "House"? What is the difference between a legislature and a House? As far as I understand legislature means the Governor and two Houses. It cannot have a physical entity. It can have constitutional entity. We know what is meant by a legislative assembly. We know what is meant by legislative council. We know what is meant by Governor. All put together is what is called "legislature". It has only a constitutional entity which of course we cannot perceive as a physical entity. Of course the Hon. the Leader of the House has not given us the source from which he was arguing about the word "legislature". Eight years ago a point was discussed in the other House when a painful incident took place in another context. It was then argued that a thing that has happened in a joint session cannot be thought of and discussed in a particular session of one House. That is why the Hon. the Leader of the House has argued that Governor forms part and when one part is affected it affects the whole. He said something like that. I was very much interested in his logic.

It has been stated in the motion read out by the hon. Member from Lalgudi constituency that since the Governor has summoned us, it is imperative on our part to attend. I would beg that aspect to be argued. The Governor is not an integral part of the legislature or of this House. If it is said that he is part of the legislature, he cannot summon himself. You can summon only other people and not yourself.

(The Hon. Sri C. Subramaniam rose.)

MR. SPEAKER: Let us not have cross arguments. I would request the hon. Member Sri C. N. Annadurai to proceed. I would request hon. Members to take the matter seriously.

SRI C. N. ANNADURAI: I am very glad that the Hon. the Leader of the House finds it fit to intervene. I would very much like him to intervene now and then.

MR. SPEAKER: I do not want anybody to interrupt in the middle.

SRI C. N. ANNADURAI: The very fact the Governor summons us shows that he is distinct from the House. My next argument that if it is a breach of privilege of the House, it does not concern the Governor because Governor is not an integral part of the House.

The second argument that was advanced was that we were trying to ridicule the Constitution. If it was intended to ridicule the Constitution, so many things would have done. But

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unfortunately we are charged not with an act of commission but with an act of omission. What all is stated is that we abstained from attending the Governor's Address. We have expressly stated our convictions. I do not deny those convictions. My contention is that nothing has been done by us to cause disrespect to the Governor or contempt of the House. The Hon. the Leader of the House has pointed out as to what constitutes contempt. He has read from May's Parliamentary dictum. What is it that causes "contempt"? If he has read it further he would have found that questions of privilege arise when through that act, commission or omission, the functioning of the House or any business of the House is impeded. By our not attending that function, nothing has been impeded. The function has not been impeded.

11 As a matter of fact, in his own usual way, the Leader of the
a.m. House has said that the people do not care about all these things. We know his method of putting certain things, and therefore I expected that. Having met seriously to discuss this thing, he perhaps thought that the people will have their own view on this, and he told therefore that people were not concerned with this. This also gives strength to my argument. If the people are not concerned about this, the Governor is not concerned about it. The Governor is not an integral part of this House, and yet the Leader of the House thinks that it is contempt and a breach of privilege. As a matter of fact, I would like to go through the history of the privileges itself. Why is it that the Members of the House have got certain privileges? It is only to safeguard their safe conduct, their freedom of speech, and to get immunity from arrest and other things, the whole question of privileges has arisen. I have got an instance from the British House of Commons. When a particular member brought forward a Bill wanting to reduce the extraordinary expenditure of the British Monarch, and when that question was raised, the House of Commons stated that he was a traitor, because he wanted to cut down the expenditure of His Majesty the King, and he was fined one thousand pounds. Afterwards, when a more intelligent and liberal Monarch sat on the British throne, the same member appealed and his fine was refunded. It was stated by the Monarch in the House of Commons that to criticise the actions of, or the provisions for, the Monarch could not be construed to be traitorous. So too, criticising the formation of the institution of Governorship cannot be construed to be a contempt of the institution of Governorship or even curtailing the privileges of this House. Therefore, Sir, I think that no case has been made out by either the hon. Member for Lalgudi or by his able advocate, the Leader of the House.

THE HON. SRI C. SUBRAMANIAM: Sir, I protest against the use of the words 'his advocate'. I thought I functioned as the Leader of the House here, and I wanted to help you to come to a decision. I object to the use of the words 'his advocate'.

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MR. SPEAKER: I think the Hon. the Leader of the House is correct. He is only to clarify the position for me and not to support Sri Lazar.

SRI C. N. ANNADURAI: Sir, I am glad that he is not advocating his cause.

MR. SPEAKER: Let us proceed on the assumption that he has spoken as the Leader of the House.

SRI C. N. ANNADURAI: Sir, the Leader of the House pointed out rule 8 of the Madras Legislative Assembly Rules. It has a history behind it. Rule 8 was introduced, because an extraordinary situation occurred eight years ago when an hon. Member intervened when the Governor addressed, raised a point of order, spoke something, and walked out. And when the question was raised at that time, it was argued that there was no specific provision against interfering with the, or interrupting the, Governor's Address. That is why it is stated here that during the Governor's Address, if anybody misbehaves, interrupts, interrogates, or raises a point of order, all these things will come under breach of privilege. As a matter of fact we were not here in the House when the Governor was addressing, and therefore we cannot come within the mischief of rule 8 of the Assembly Rules.

Another thing, Sir. Because we have taken the oath of allegiance to the Constitution, it does not mean that we shall not agitate for an amendment of the Constitution. Any attempt at amendment is not to be construed to be a contempt of the Constitution. We are very shortly going into the question of amending Schedule VIII of the Constitution, which has been amended in Parliament. The States are asked to ratify it. Therefore any attempt at amendment of the Constitution cannot be misconstrued as a contempt of the Constitution. As a matter of fact, Article 368 of the Constitution itself provides for amendments. All we did by not attending the Governor's Address was to impress on the minds of the people and to impress on the minds of those concerned with the Constitution that we registered our disapproval of the institution of Governorship, the method of recruiting the Governor, and the manner in which public funds were being spent on that institution, which we considered to be unnecessary. It may be found to be very necessary by the other parties. But we consider that the institution of Governorship and the expenditure incurred on that is very unnecessary. And to register our protest and to register our disapproval, we abstained ourselves from the Governor's Address. We do not have an iota of disrespect to the Governor or to the Constitution. As a matter of fact, the Leader of the House might remember that when Congress Party itself was placed in a very delicate position, it was kind enough to point out in 1935 that it entered the Legislature to wreck the Constitution and not to work it. We did not say even that, because we know that wrecking an alien Constitution is much more easy than wrecking the home-made Constitution. Therefore, we

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do not think that we have got even that need to wreck the Constitution. As a matter of fact, since the Constitution itself provides for amendments, we need not wreck the Constitution. Now the wreckers are coming forward as the safeguards of the Constitution and say, 'you should not cast any aspersion on the Constitution; you should not look hard on the Constitution, you should have a reverential look at the Constitution'. Constitution is not sacrosanct. It is man-made. It can be remade and reshaped, and entire sections of the Constitution can be deleted by observing proper procedure. Therefore it cannot be considered that any definition or any disapproval of any provision of the Constitution amounts to a contempt of the Constitution.

So, Sir, as a layman, would you allow me to sum up what I said? The Governor is not an integral part of this House for two reasons. First he cannot be a member of any of the Houses. He cannot take part in the proceedings of any House. I have laid stress on the word 'proceedings' which includes not only speaking, but also taking part in voting and other items. Secondly, since the Governor issues the summons, he cannot be a part and parcel of the body, because one cannot issue summons to oneself. Thirdly, it is not our intention to discredit or show discourtesy to the Governor. We are only up against the institution and the manner in which Governors are being appointed and the money being spent on them. Rule 8 of the Assembly Rules expressly states the position only when such and such disturbances take place. By our not attending the Governor's Address, we have not impeded the functioning of this House or of any officer of this House. Therefore, I submit that there is no *prima facie* case for the motion.

MR. SPEAKER: The hon. Member Sri M. Kalyanasundaram will now speak. I would like him to be brief, now that we have had the background of an elaborate speech.

SRI M. KALYANASUNDARAM: Sir, after listening to the speech of the Hon. the Leader of the House, I feel that the Leader of the Dravida Munnetra Kazhagam has got every reason to feel grateful to the Leader of the House for having brought this issue in this form before this House.

MR. SPEAKER: He did not bring this issue, but somebody else. He came into the picture, because I asked him for clarification.

SRI M. KALYANASUNDARAM: Sir, nothing can be moved without the knowledge of the Leader of the House, I presume.

MR. SPEAKER: I am sorry I do not agree with the hon. Member. I do not know whether he was aware of this motion. Sri Lazar gave it to me. The Leader of the House came into the picture, because I asked for his opinion. It is not correct to attribute motives. I want Sri Kalyanasundaram to proceed on the assumption that he does not know it.

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SRI M. KALYANASUNDARAM: Anyway, Sir, that is not relevant. When they decided to boycott, I do not think they would have realised it would be such a serious revolt against the Constitution and they were going to be made martyrs. Now this debate in this House is going to give them added importance. That is my view.

SRI S. NAGARAJA MONIGAR: Is this a debate?

MR. SPEAKER: I would ask hon. Members not to interrupt the leaders. Let the hon. Member proceed.

SRI M. KALYANASUNDARAM: Sir, I cannot give my opinion without offering my opinion on the motive behind the boycott.

MR. SPEAKER: I did not ask the hon. Member not to say anything on it. Somebody said something and why does he blame me?

SRI M. KALYANASUNDARAM: Regarding the motive behind the boycott, as expressed by the Dravida Munnetra Kazhagam, I am basically opposed to that motive. Both my party and myself believe that any citizen of India whether he is from the Himalayas or from Kanyakumari has got the right to be appointed to the post of Governor of any State in our country. That is our view. There should be no grievance on that account. That is our view so far as the motive goes. But what is relevant to consider is not the policy or the programme of the Dravida Munnetra Kazhagam as such. They have committed an act, i.e., they abstained from the joint session which the Governor addressed. The relevant points for consideration are whether that conduct is correct, proper or constitutional or whether it is unconstitutional or amounts to a breach of privilege and whether this House has got jurisdiction to examine the question.

MR. SPEAKER: Not the last one. I must decide the question of relevancy there. The hon. Member cannot question that.

SRI M. KALYANASUNDARAM: We are only helping you to find out

MR. SPEAKER: When I admitted the motion and asked the hon. Member to give his opinion, there is nothing to find out.

SRI M. KALYANASUNDARAM: You have not yet admitted it, Sir.

MR. SPEAKER: When I put it before you, it means it can be admitted. Let him not argue on that point.

SRI M. KALYANASUNDARAM: You have never stated that there is a *prima facie* case. That will be so when you say that the motion is before the House as a Motion of Privilege. Now the question of admissibility alone is under consideration.

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MR. SPEAKER : I grant you that.

SRI M. KALYANASUNDARAM : The Hon. Leader of the House made it appear that the Governor is an integral part of the Legislature. He was also referring to the Governor as Head of the State. The Hon. Leader of the House has got certain advantages which I do not have. He was an able lawyer before he became a Minister. He was also a Member of the Constituent Assembly. These advantages he has. But I would ask him whether he can show any article in the Constitution which states that the Governor is the Head of the State. The State consists of the Executive, the Judiciary and the Legislature. It is merely stated that each State shall have a Governor. But nowhere is it stated that the Governor is the Head of the State. I want to make this distinction.

MR. SPEAKER : What are we discussing? As far as we are concerned, is the Governor an integral part of the Legislature? That is our point.

SRI M. KALYANASUNDARAM : The article referred to by the Hon. Leader of the House is 168. It says, for every State, there shall be a Legislature which shall consist of the Governor. This is only for the limited purpose of issuing Ordinances. The Governor has got legislative powers when the Legislature is not in session. He can issue Ordinances to be confirmed by the Legislature later. To that extent the institution of Governor is a wing of the Legislature. It is not as though the institution of Governor is an integral part of the Legislature for other purposes also. There is lot of difference between the two.

THE HON. SRI C. SUBRAMANIAM : Thank you very much. I failed to make that point when I spoke.

SRI M. KALYANASUNDARAM : The Governor is the head of the Executive. He is responsible for the executive functions of the Government. So, there is this difference.

Now, Sir, it was stated that the boycott was a breach of privilege and it meant disrespect to the institution of Governor. The Hon. Leader of the House made a distinction between boycott on account of specific grievances and boycott which is deliberately and wilfully organised. I wish to place before you this point for consideration. When he was referring to this, I was wondering whether he was not arguing against himself. If it cannot be disrespect or contempt when organised on account of specific grievances, how can it be contempt if it is just repeated? What the Dravida Munnetra Kazhagam has done is, it has simply repeated it. The second session was boycotted by the Dravida Munnetra Kazhagam wilfully; so also the third session. The first session, of course, they attended. I am not on the point whether the boycott is correct or not. From the political point of view, the Hon. Leader of the House could have the satisfaction that

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ne has scored a point over the Dravida Munnetra Kazhagam's policies. But I am concerned with the boycott as such. I feel that it is perfectly right and legitimate for any section or group of Members of this House to show their protest during the Governor's address. Even granting for argument's sake that it meant disrespect to the Governor, who is to take action for it? The Governor is appointed by the President and holds office during the pleasure of the President. He is not a creation of this House. He is indirectly a creation of the Constitution through the President. If there is any disrespect to the Governor it is disrespect to the action of the President. Even accepting the arguments of the Hon. Leader of the House that it may mean disrespect to the Governor or violation of the Constitution, is this House the forum for taking action? Mr. Annadurai drew our attention to rule 8. You are aware, Sir, of the circumstances which led to the framing of that rule, although I was opposed to its framing. After all these institutions are democratic institutions.

We say that our Constitution was given to ourselves, by the people of our country. Sir, respect to Constitutions, respect to office of the Governor and respect given to the House, must all be commanded by the people and not by enforcing the rules rigidly. The limited purpose of their conduct is only to show their protest. He has been repeatedly making it clear, and declaring that their conduct is not meant to disrespect the individual or the person of the Governor, but that is in furtherance of a policy which they have been pursuing. Their policy may be basically wrong. I am in entire agreement with the Hon. the Leader of the House in that respect. Their policy may be basically wrong. That is my attitude also and I have already stated that. But concentration of power in the Centre does not amount to Northern Indian domination. That is my humble opinion. By saying this, it is not that I am trying to canvass the leader of the Dravida Munnetra Kazhagam Party to my point of view. I am only trying to explain my conduct. True, there is concentration of power in Delhi. It is not against Tamil Nad alone. It is against all the people in the whole country. We are against the concentration of power at the Centre. I do not concede that the Tamils are weakened as to submit to the domination of any part of the country over this part. We have a noble heritage. We have inherited the heroism from our ancient heroes in Tamil Nad. Therefore we won't allow ourselves to be dominated by any section of the people of this country although we would like to be friends to all sections of the people of this country. This is my attitude so far as the domination by northerners is concerned. There is difference between Northern domination and concentration of power in the Centre.

Sir, every citizen of the country, whether he is a legislator or not should have the right to agitate against the Constitution. And, Sir, the conduct of the Dravida Munnetra Kazhagam Members is only one form of agitation against certain provisions of the Constitution. An outsider who is not a member of this House

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is free to agitate against the Constitution. When there was an attempt to burn our Constitution copies, there was a legislation, you know Sir, to deal with it. The Government then thought it necessary to bring forward a separate legislation, to take action against those who wanted to burn the copies of the Constitution. Therefore to show protest even inside the Assembly, to agitate against the Constitution inside the Assembly is perfectly legal and it would not amount to a breach of privilege.

Sir, one more point and I shall finish. If you will kindly read rule 4 of the Assembly Rules, it says—we have made these rules and they are perfectly in conformity with the spirit of the Constitution.—“At the first sitting of the Assembly, after the Governor has addressed both the Houses of the Legislature under Article 176 of the Constitution, a copy of the Governor's Address shall be placed on the table of the House”. So the Governor's Address as such does not form part of the proceedings of the House. This is why we have a rule saying that it should be placed on the table of the House. Again on the first day the Assembly meets after the Governor's Address you will find in the list of papers placed on the table of the House, one item namely, Governor's Address delivered on such and such a day. We have a rule which clearly says that the speech delivered by the Governor will not form part of the proceedings of either this House or that House. Even granting there has been some misconduct, it concerns only that sitting and cannot be treated as part of the proceedings of this House. That is why on a previous occasion in the year 1952 a separate motion had to be tabled for administering an admonition to Sri T. Prakasam for interrupting the Governor's Address. In fact he made a successful interruption and prevented the Governor from delivering his address for about fifteen minutes. He was prevented from delivering the address at the appointed hour. Compare with that, what these people have done. In fact they have helped the Governor and allowed him to have his own way. In no way have they offended the Governor or prevented him from delivering the address at the appointed hour.

Sir, their conduct is perfectly normal. There is nothing abnormal. This is just an ordinary thing. This is nothing revolutionary. This does not bring the Constitution into contempt nor the Governor into contempt and lastly this has not offended the prestige or dignity of the Governor or the House at all, even if a group of Members had behaved like that. That is my submission, Sir, and I would say there is no case for referring this to a Committee of privilege or even to take it as a motion in this House. Therefore I would request the Hon. Speaker to consider all these points before he gives his opinion.

SRI P. S. CHINNADURAI : மதிப்பிற்குரிய சபாநாயகர் அவர்களே, இந்தச் சபையின் முன்பாக வந்துள்ள உரிமைப் பிரச்சனையின் மீது இறுதியான ஒரு முடிவை எடுப்பதற்கு முன் எனக்கு என்னுடைய கருத்துக்களைத் தெரிவிக்க வாய்ப்பு கொடுத்

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தமைக்கு மிகவும் நன்றியுள்ளவனாக இருக்கிறேன். திராவிட முன்னேற்றக் கழகத்தைச் சார்ந்த இந்தச் சபையின் அங்கத்தினர்கள் கவர்னர் பெருமான் அவர்கள் உரை ஆற்றியபோது அதனைக் கேட்பதற்கு நேரில் இங்கே வர மறுத்ததற்கும், அவ்வாறு வர மறுத்ததற்கு அவர்கள் கூறிய காரணமும் இந்தச் சபையின் உரிமையை பங்கப்படுத்துவது ஆகுமா அல்லது ஆகாதா என்பது தான் இப்பொழுது இந்தச் சபையின் முன்பு இருக்கிற பிரச்சனை என்று நான்கருதுகிறேன்.

முதலாவதாக கவர்னர் பெருமான் அவர்களுடைய உரையைக் கேட்க அவர்கள் இந்தச் சபைக்கு வர மறுத்ததைப் பொறுத்த வரையில் எவ்விதமான தவறும் இல்லை என்பதை எடுத்துக்காட்ட விரும்புகிறேன். என்னென்றால் சட்ட சபையின் கூட்டுக் கூட்டத்தை கூட்டுவதற்கு கவர்னர் அனுப்புகிற சம்மன் நீதி ஸ்தலங்களில் அனுப்பும் சம்மனைப்போன்றது அல்ல என்பதை உங்களுக்கு நான் நினைவுபடுத்த விரும்புகிறேன். நீதி ஸ்தலங்கள் அனுப்புகிற சம்மனை புறக்கணித்தால் வாரண்டு போட்டு பிடித்துக்கொண்டு வரலாம். அதற்கு தண்டனை உண்டு. ஆனால் கவர்னர் பெருமான் அவர்கள் சட்ட சபையின் கூட்டுக்கூட்டத்தை கூட்டுவதற்கு அனுப்புகிற சம்மனை புறக்கணித்தால், அதற்கு வராமல் இருப்பது மாத்திரம் அல்ல 'வர மறுக்கிறேன்' என்று சொல்லுகிறவர்களைக் கூட கட்டாயப்படுத்தி, நிர்ப்பந்தப்படுத்தி, வரச்சொல்லுவதற்கு கவர்னர் அவர்களுக்குக் கூட உரிமை இல்லை என்பதனை நான் சபையின் அங்கத்தினர்களுக்கு எடுத்துக்காட்ட விரும்புகிறேன். ஆகவே இந்த சம்மனை அனுப்பி விட்டதாலேயே கவர்னர் பெருமான் அவர்கள் ஒவ்வொருவரையும் அழைத்து, அவர்கள் வந்தாக வேண்டும் என்ற கட்டாயம் இல்லை. மேலும் எனக்குத் தெரிந்த வரையில் உலகத்தில் எந்த ஜனநாயக நாட்டிலேயும் பார்லிமெண்ட் அங்கத்தினர்கள் அல்லது சட்ட சபை அங்கத்தினர்கள் கட்டாயமாக குறிப்பிட்ட நாளில் வந்தே ஆக வேண்டும் என்று சொல்வது எந்த அரசியல் நாடுகளிலும் கிடையாது. நம் முடைய அரசியல் சட்டத்தில் கூட கவர்னர் நிகழ்த்தும் உரைக்கு அங்கத்தினர்கள் கட்டாயம் வந்தாக வேண்டும் என்று எந்த விதத்திலும் விதியோ அல்லது உப விதியோ குறிப்பிடவில்லை என்பதை நான் உங்களுக்கு நினைவூட்ட விரும்புகிறேன். ஆகவே இந்தச் சபையில் கவர்னர் பெருமான் அவர்கள் உரை ஆற்றியபோது நேரில் கேட்க வர மறுத்த திராவிட முன்னேற்றக் கழக அங்கத்தினர்கள் எவ்விதமான வகையிலும் இந்தச் சபையின் உரிமைக்கு பங்கம் விளைவிக்கவில்லை என்று நான் எடுத்துக்காட்ட விரும்புகிறேன். அதன் பிறகு அவர்கள் அதன் மீது கூறிய காரணங்கள் என்ன என்பதைக் கூற விரும்புகிறேன். இந்தச் சபைக்கு வர மறுத்த அவர்கள் கூறிய காரணம் என்ன? (கனம் அங்கத்தினர் பேசாமல் நின்று கொண்டிருந்தார்.)

MR. SPEAKER: நீங்கள் பேசங்கள். எனக்கு இரண்டு காதுகள் இருக்கின்றன. ஒரு காத் உங்கள் பேச்சைக் கேட்க, மற்றொன்று இங்கு கேட்பதற்கு.

[16th December 1959]

SRI P. S. CHINNADURAI : இந்தச் சபைக்கு வர மறுத்ததற்கு அவர்கள் கூறிய காரணம் என்ன? அதைப்பற்றி திராவிட முன்னேற்றக் கழகத்தலைவர் மிகவும் தெளிவாகக் குறிப்பிட்டிருக்கிறார். இதே காரணங்களைத் தான் இந்தச் சட்டசபையிலும் சரி வெளியிலும் சரி திராவிட முன்னேற்றக் கழகத்தைச் சார்ந்த ஒவ்வொருவரும் சொல்லிக்கொண்டு வருகிறார்கள். திராவிட நாடு என்பது தோன்றப் போகிறதா இல்லையா என்ற கருத்தைப் பற்றி இங்கே நாம் ஆராய வேண்டிய அவசியம் இல்லை. அதைப் பற்றி என்னுடைய கருத்து என்ன என்பதை இங்கே தெரிவிக்க வேண்டிய அவசியம் இல்லை. அதற்கு அவசியமும் இருக்காது என்று நம்புகிறேன். ஏனென்றால் நாட்டிலுள்ள மக்கள் அவைவரும் அறிந்ததே. அவர்கள் இங்கே கலந்துகொள்ளவில்லை. அவர்கள் இங்கே வராமலும் உரையில் கலந்துக்கொள்ளாமலும் இருந்ததற்கு அவர்கள் கூறும் காரணங்கள் வெளியில் திராவிட முன்னேற்றக் கழக அங்கத்தினர்களால் சொல்லப்படுகிற காரணங்கள் தான். இந்த ராஜ்யத்திலுள்ள கழகத்தைச் சார்ந்த மக்கள் எல்லோராலும் சொல்லப்படுகிற காரணங்கள் அல்லவா அவைகள் என்பது தான். வெளியில் இருக்கிற இந்த ராஜ்ய குடி மக்களில் சிலர் இந்தக் காரணங்களைச் சொல்லிக் கொண்டிருக்கிறார்கள். திராவிட நாடு தனி நாடாக வேண்டும், வட நாட்டு ஆதிக்கியம் ஒழிய வேண்டும், என்று வெளியில் பேசிக்கொண்டிருக்கிற அவர்கள் திராவிட முன்னேற்றக் கழகத்தைச் சேர்ந்தவர்கள் என்றே சொல்லிக்கொண்டிருக்கிறார்கள். ஆனால் அந்தக் கட்சியைச் சார்ந்தவர்களிலேயே சிலர் அரசியல் அமைப்பை ஏற்றுக்கொண்டு சட்ட சபையில் வந்து இருக்கிறார்கள் என்கிற காரணத்தினால் அவர்கள் வெளியே இருந்தால் என்ன பேசுவார்களோ, எப்படி நடந்து கொள்வார்களோ அப்படி உள்ளே வந்த பிறகு பேசுவதற்கும், நடந்துகொள்வதற்கும் உரிமை கிடையாது என்றால் அதை என்னால் புரிந்து கொள்ள முடியவில்லை. வெளியில் இருக்கும்போது அவர்களுக்கு என்ன என்ன உரிமைகள் உண்டோ, அவ்வளவும் சட்ட சபை அங்கத்தினர்களாக வந்த ஒரு காரணத்தினால் பறி போய் விடாது என்று நான் எடுத்துக்காட்ட விரும்புகிறேன். இந்த அங்கத்தினர்களோ சட்ட சபைக்கு வரவில்லை என்று வைத்துக்கொண்டால் வெளியில் இருந்து கொண்டு இந்தக் கருத்துக்களையே வற்புறுத்தி, நாட்டு மக்களிடத்திலே ஆதரவைத் தேடிக்கொண்டிருப்பார்கள். அதற்கு உரிமையும் இருக்கிறது. அந்தக் கட்சியின் கொள்கை அரசியல் சட்டத்திற்கு விரோதமானது என்றால் அந்தக் கட்சியை ஏன் அங்கீகரித்தார்கள்? அவர்கள் தொடர்ந்து தங்கள் கட்சியின் கொள்கையை வெளியில் பிரசாரம் செய்து வருவதைத் தடுக்க எவ்வித நடவடிக்கையும் இன்றுவரையில் எடுத்துக்கொள்ளாது, அந்தக் கட்சியின் கொள்கை அடிப்படையில் அந்தக் கட்சியைச் சார்ந்தவர்கள் சட்டமன்றத்திற்குள் இருந்து தங்கள் பணியை ஆற்றும்போது ஏன் உரிமைப் பிரச்சனையைக் கொண்டுவர வேண்டும்? அது எந்தவகையில் சட்டசபையின் உரிமையைப் பாதிக்கிறது? அவர்களது செய்கை ஒரு போதும் சட்டசபையின் உரிமையை பாதிப்பதாகாது, பங்கப்படுத்துவதாக ஆகாது என்று நான் சொல்ல விரும்புகிறேன். மக்களுக்கு முன்னால் நின்று

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a.m.

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[Sri P. S. Chinnadurai]

தங்கள் கட்சிக் கொள்கைகளை, லட்சியங்களை எடுத்துச் சொல்லி அவர்கள் ஆதரவைப் பெற்று அங்கத்தினராக வந்த பிற்பாடு, இங்கே அந்தக் கொள்கை, அந்த லட்சியங்களின் அடிப்படையில் அவர்களைச் செயலாற்றவிடுவது தான் உண்மையான ஜனநாயகம். அவர்கள் கட்சியின் கொள்கைகள், லட்சியங்கள் அரசியல் சட்டத் திற்கு விரோதமானது என்றால் அந்தக் கட்சியையே அங்கீகரித்திருக்கக்கூடாது. அந்தக் கட்சியை அங்கீகரித்து, நாட்டு மக்களிடையே அந்தக் கட்சியின் கொள்கையை தலைவர்கள் எடுத்துச் சொல்வதற்கு அனுமதி அளித்து சட்டசபையில் மட்டும் அந்தக் கட்சியைச் சேர்ந்தவர்கள் அந்தக் கட்சியின் கொள்கையைப் பின்பற்றக்கூடாது என்று சொல்வது உரிமைப் பிரச்சனை ஆகுமா என்கிற இந்த இரண்டு, மூன்று விஷயங்களுக்கு முக்கியம் கொடுத்து ஆராய்ந்து பார்த்து, இந்தச் சபையின் உரிமையை அது பாதிப்பதாக, பங்கப்படுத்துவதாகாது என்று நான் சொல்ல விரும்புகிறேன்.

MR. SPEAKER : Now I have heard the Leader of the House.

SRI S. LAZAR : On a point of order, Sir. On any matter which is open for discussion it is usual and customary and even perhaps parliamentary that one who raises the motion, is given an opportunity to substantiate his case. Now that various views have been expressed on the motion given notice of by me, I request the Hon. Speaker to give me a chance to substantiate my case. (Interruption.)

MR. SPEAKER : I will take care of myself.

SRI S. LAZAR : Now that views have been expressed on the motion raised by me, before the Hon. Speaker makes up his mind to give a ruling on the matter, I may be given an opportunity to substantiate and show that there is a *prima facie* case.

MR. SPEAKER : The other day when the hon. Member raised the motion of privilege and went on reading it and arguing it the hon. Member Sri Kalyanasundaram raised a point of order that the hon. Member the mover of the motion was going beyond the scope of the rules and said that not only he was raising the question of privilege but arguing in favour of it. The hon. Member has lost his opportunity. The case has left his hands and it is now before the Speaker.

SRI S. NAGARAJA MONIGAR : One submission, Sir.

MR. SPEAKER : No submission now.

Now, I have decided to take action on the motion under Rules 185, 188, 189 and 192 of the Assembly Rules. Under Rule 185, I agreed to the matter being raised here. Under Rule 188 I have read out the matter to the House and before I decided whether a *prima facie* case has been made out, I have asked the opinion of the Members of the House. After hearing the views there are one or two things that I can do in the matter. According to rule 192

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I can myself refer the matter *suo motu* to the Committee or under Rule 189 tell the House that a *prima facie* case has been made out and that the house on the motion to be moved by any Member of the House may say that the matter may be referred to the Committee of privilege. Therefore before I decide whether a *prima facie* case has been made out, I asked for the opinion of the Hon. the Leader of the House, the hon. the Leader of the Opposition and the leaders of other major parties. I am grateful to all of them for their careful and very much thought out address and advice.

Now, I want to make one thing very clear. From the questions I had asked of the Hon. the Leader of the House of anybody else, nobody should think that I have made up my mind or should draw the conclusion from the questions I put, that I have already decided what exactly will be my ruling on the matter.

Another thing I want to point out is this. I have not been canvassed and no speech in this House will ever canvas me. I still stand independently and I am prepared to give my ruling independently even if it should cause some disappointment to somebody. If the House is displeased with my ruling they have the remedy to remove me from the office even. But so long as I am occupying the Chair and I am the Speaker, my opinion will not be canvassed, my opinion cannot be canvassed and there need not be any apprehension in the minds of the hon. Members that it will be canvassed.

This is an important matter involving the privilege of the House and the relationship of political ideologies to the Constitution. Whether the action referred to is a breach of privilege, whether the Governor is a part of this House, whether the absence of members at the time of the Address by the Governor is a disrespect, and whether a breach of the Constitution has been taken note of and action taken by me or not, these are matters which I have to deeply consider. Therefore, I am afraid I cannot give the ruling on the matter to-day. Taking into consideration the different points of views expressed in the House, I shall give my ruling perhaps to-morrow or during the next sitting of the Assembly. I hope hon. Members will bear with me because this is nothing urgent. That the matter is very important is borne out by the fact that there has been such divergence of opinion. The Hon. the Leader of the House, I am sure, has consulted his own authority. He has given one opinion on the matter. The hon. the Leader of the Opposition, the hon. Member Sri Kalyanasundaram and the two other leaders have also expressed divergent views. The hon. the Leader of the Opposition referred to the ruling of the late Sri Moulanker. I may tell the House that before he gave his ruling five or six speakers participated in the debate and even among them three held one view and three others held quite another view. It is not quite easy to

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come to a final conclusion in such matters. And the final conclusion arrived at by the late Sri Moulanker was quite different and I doubt whether the House agreed with him or not in that decision.

Now, I thank you all gentlemen for the great help and elucidation you have given me and I assure you all and the House that I shall try and give my ruling, perhaps tomorrow, or during the next sitting of the Assembly. And when the matter is before the House and when a hon. Member moves a motion to refer it to the Committee of privileges then the hon. Mr. Lazer will have another occasion to say what he has got to say. I also ask pardon of the other hon. Members who might not have had a chance. On a future occasion they may have the chance. Thank you.

We shall now proceed to the next item on the agenda.

III.—GOVERNMENT BILLS

(1) THE MADRAS APPROPRIATION (NO. 4) BILL, 1959,
 (L.A. BILL NO. 28 OF 1959).

THE HON. SRI C. SUBRAMANIAM: Mr. Speaker, Sir, I move—

‘That the Madras Appropriation (No. 4) Bill, 1959 (L.A. Bill No. 28 of 1959) be taken into consideration.’

THE HON. SRI C. SUBRAMANIAM: இதில் விவாதம் அவசியமில்லை என்பது என்னுடைய தாழ்மையான கருத்து. ஆகையால் இந்த பிரேரணையை ஏற்றுக்கொள்ள வேண்டுமென்று நான் கேட்டுக்கொள்கிறேன்..

(Deputy Speaker in the chair.)

DEPUTY SPEAKER: The question is—

‘That the Madras Appropriation (No. 4) Bill, 1959 (L.A. Bill No. 28 of 1959) be taken into consideration.’

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 and 3 were put and carried.

The Schedule was put and carried.

Clause 1 and the preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

‘That the Madras Appropriation (No. 4) Bill, 1959 (L.A. Bill No. 28 of 1959) be passed.’

DEPUTY SPEAKER: The question is—

‘That the Madras Appropriation (No. 4) Bill, 1959 (L.A. Bill No. 28 of 1959) be passed.’

The motion was put and carried and the Bill was passed.